

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VII 726 MINNESOTA AVENUE KANSAS CITY, KANSAS 66101

OFFICE OF THE REGIONAL ADMINISTRATOR

SPECIAL NOTICE LETTER FOR REMEDIAL DESIGN/REMEDIAL ACTION URGENT LEGAL MATTER -- PROMPT REPLY NECESSARY

DEC 21 1990

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Clarence Parsons Registered Agent P and M Coal Company, Inc. Browning Acres Harlan, KY 40831

Dear Mr. Parsons:

Re: Missouri Electric Works, Inc. (MEW)
Cape Girardeau, Missouri

This letter follows a general notice letter previously sent to you in connection with the Missouri Electric Works, Inc. Superfund site (hereinafter "the Site"). As the listed contact person for the potentially responsible party (PRP) identified above, this letter has been sent to your attention.

This letter serves three basic functions. First, it contains a formal demand for reimbursement of costs that have been incurred, including interest thereon, and costs that are expected to be incurred, which are also subject to interest, in response to the health and/or environmental concerns at the Site. Second, this letter notifies you that a 60-day period of formal negotiations with the Environmental Protection Agency (EPA) automatically begins with this letter. Third, this letter provides general and site-specific information to assist you in negotiating with the EPA.



S00172598 SUPERFUND RECORDS # 179773

Break11_52474

NOTICE OF POTENTIAL LIABILITY

As indicated in the general notice letter previously sent to you, EPA has information indicating that P and M Coal Company, Inc. is a PRP as defined in Section 107(a) of the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. § 9607(a) as amended (CERCLA) with respect to costs incurred by EPA in connection with the Site.

SPECIAL NOTICE AND NEGOTIATION MORATORIUM

EPA has determined that use of the Section 122(e) special notice procedures specified in CERCLA will facilitate the negotiation of an agreement with PRPs for taking response action and will expedite remedial action at the Site. Therefore, pursuant to CERCLA Section 122(e), 42 U.S.C. §9622(e), your receipt of this letter triggers a 60-day moratorium on certain EPA response activities at the Site. During this 60-day period, all PRPs are invited to participate in formal negotiations with You are also encouraged to voluntarily negotiate a settlement providing for the PRPs to conduct or finance the response activities required at the Site. The 60-day negotiation moratorium will be extended for an additional 60 days if EPA determines that the PRPs have provided EPA with a good faith offer to conduct or finance the remedial design/remedial action (RD/RA). settlement is reached between EPA and the PRPs within the 120-day negotiation moratorium period, the settlement will be embodied in a Consent Decree.

RECORD OF DECISION, DRAFT SCOPE OF WORK, AND DRAFT CONSENT DECREE

A copy of EPA's Record of Decision, a draft Scope of Work and a draft Consent Decree are enclosed with this letter. These documents are provided to assist you and other PRPs in developing a good faith offer for conducting the RD/RA. The draft Scope of Work and draft Consent Decree are provided for negotiation purposes only.

GOOD FAITH OFFER

As indicated, the 60-day negotiation period and moratorium triggered by this letter may be extended for 60 days if the PRPs submit a good faith offer to EPA. A good faith offer to conduct or finance the RD/RA is a written proposal that demonstrates the PRPs' qualifications and willingness to conduct or finance the design, implementation, and monitoring of the remedy. For your proposal to be considered a good faith offer, it must not be significantly different from EPA's Record of Decision and must include the following elements:

- A statement of willingness by the PRPs to conduct or finance the RD/RA consistent with EPA's Record of Decision as well as the draft Scope of Work and draft Consent Decree that provides a sufficient basis for further negotiations;
- 2. An element-by-element response to EPA's Record of Decision, draft Scope of Work and draft Consent Decree, including a response to any other attached documents;
- 3. A detailed description of a work plan identifying how the PRPs plan to proceed with the work;
- 4. A demonstration of the PRPs' technical capability to carry out the RD/RA, including the identification of the firm(s) that may actually conduct the work or a description of the process they will use to select such firm(s);
- 5. A demonstration of the PRPs' ability to finance the RD/RA;
- 6. A statement of willingness by the PRPs to reimburse EPA for costs incurred in overseeing the PRPs' conduct of the RD/RA;
- 7 The name, address, and telephone number of the parties or steering committee, if any, representing the PRPs in negotiations; and,
- 8. A description of the PRPs' position on releases from liability and reopeners to liability.

INFORMATION RELEASE

Additional information has been obtained by the EPA since the previous notice. The following information is being provided as an enclosure to this letter:

- 1. An updated list of the names and addresses of the PRPs to whom this notification is being sent. Inclusion or exclusion from this list does not constitute a final determination by EPA concerning the liability of any party for the release or threat of release of hazardous substances at the Site; and,
- 2. A list of the volume, expressed in kilo-volt amperes (KVA), of substances attributed to each PRP. The list is subject to revisions based upon new information as and if it becomes available.

DEMAND FOR PAYMENT

With this letter, EPA demands that you reimburse EPA for its costs incurred to date. EPA further encourages you to voluntarily enter into negotiations with the EPA in an attempt to negotiate a Consent Decree in which you and other PRPs agree to perform the RD/RA.

In accordance with the provisions of CERCLA, EPA already has undertaken certain actions and incurred certain costs in responding to conditions at the Site. The response actions taken by the EPA include an Expanded Site Investigation which involved conducting investigations to identify the local hydrogeological characteristics and better define the nature and extent of soil, air, surface and ground water contamination at the Site. The cost to date of the response actions performed at the Site through EPA funding is approximately \$1,032,547.37. In accordance with Section 107(a) of CERCLA, demand is hereby made for payment of the above amount plus all interest recoverable under Section 107 or under any other provisions of law.

As indicated above, EPA anticipates expending additional funds for the RD/RA. Whether EPA funds the entire RD/RA or simply incurs costs by overseeing the parties conducting these response activities, you are potentially liable for these expenditures as well, plus interest thereon.

PRP STEERING COMMITTEE

EPA recommends that all PRPs meet to select a steering committee responsible for representing the group's interests. Establishing a manageable group is critical for successful negotiations with EPA. Alternatively, EPA encourages each PRP to select one person from its company or organization to represent its interests.

There is presently a PRP steering committee that was formed to represent the interests of many PRPs in this matter. The appropriate steering committee representatives to contact for further information are:

Alphonse McMahon, Esq.
Peper, Martin, Jensen, Maichel and Hetlage
720 Olive Street, 24th Floor
St. Louis, Missouri 63101
(314) 421-3850

or

Thomas E. Seidhoff, P.E.
Union Electric
1901 Chouteau Avenue
P.O. Box 149
St. Louis, Missouri 63166
(314) 554-2637

ADMINISTRATIVE RECORD

Pursuant to Section 113(h) of CERCLA, EPA has established an Administrative Record containing documents that form the basis of EPA's decision on the selection of a response action for the Site. The Administrative Record files are available to the public for review and are located at the Cape Girardeau Public Library and the EPA Regional office.

PRP RESPONSE AND EPA CONTACT PERSON

You are encouraged to contact EPA to indicate your willingness to participate in future negotiations with EPA. Otherwise, you have 60 calendar days from the date you receive this notice to provide EPA a written good faith offer demonstrating your willingness to perform the RD/RA. You may respond individually or through the PRP steering committee now in existence. If EPA does not receive a timely response, EPA will assume that you do not wish to negotiate a resolution of your liabilities in connection with the response and that you have declined any involvement in performing the response activities. Pursuant to Section 107 of CERCLA, you may be held liable by EPA for the cost of the response activities EPA performs at the site and for any damages to natural resources.

Your response to this notice letter should be sent to:

Sarah Toevs Sullivan, Esq.
Office of Regional Counsel
U.S. Environmental Protection Agency, Region VII
726 Minnesota Avenue
Kansas City, Kansas 66101

The factual and legal discussions contained in this letter are intended solely for notification and information purposes. They are not intended to be and cannot be relied upon as final

EPA positions on any matter set forth herein. If you have any questions pertaining to this matter, please contact Ms. Sullivan or David Hoefer, Assistant Regional Counsel, at the above address, or by calling (913) 551-7010.

Sincerely yours,

Morris Kay

Regional Administrator

Enclosures

cc: James Kavanaugh, Missouri Department of Natural Resources

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is your <u>RETURN ADDRESS</u> completed on the reverse side?	3. Article Addressed to: Article Number	Thank the Return Colo	
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PS Form 3800, Posmar or Date DIC 2 1 1990	P 402 725 214 RECEIPT FOR CERTIFIED MAIL NOINSUMANCE CONCERNOT PARTICLE PA	United States Environmental Protection Agency 726 Minnesota Avenue Kansas City, KS 66101 Official Business Penalty for private use \$300 DEC 2 7 1990	Clarence Parsons Control Company, Inc. July 2018 Clarence Parsons Clarence Parsons Clarence Parsons Control Pa
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RECEIVE SECTION

Peper, Patin, Jensen, Maichel and Etlage

ATTORNEYS AT LAW

TWENTY-FOURTH FLOOR

720 OLIVE STREET

St. Louis, Missouri 63101-2396

WASHINGTON, D.C. 20006-5475 (202) 728-0377 Telecopy: (202) 728-0375

SUITE 1200

1875 EYE STREET, N.W.

200 N. Wood River Avenue WOOD RIVER, ILLINOIS 82095-1989 (818) 251-4983 (314) 421-3850 Telex: 434257 Telecopy: (314) 621-4834

WRITER'S DIRECT DIAL NUMBER

(314) 444-6445

February 15, 1990

SUITE 600 2000 MAIN STREET FORT MYERS, FLORIDA 33901-3050 (813) 337-3850 Telecopy; (813) 337-0970

Suite 2 1825 West Marion Avenue PUNTA GORDA, FLORIDA 33950-5295 (813) 637-1955 Telecopt: (813) 637-8485

Ms. Pauletta R. France-Isetts, P.E. Compliance Section
Superfund Branch
Waste Management Division
U.S. EPA, Region VII
726 Minnesota Avenue
Kansas City, KS 66101

Re: Missouri Electric Works Superfund Site

Dear Pauletta:

As you know, there are a number of parties that sent equipment to the Missouri Electric Works site (i) to whom EPA has attempted to send a Section 104(e) notice but the address was "bad", or (ii) about whom the MEW Steering Committee notified EPA in November, 1988, but to whom a Section 104(e) notice was never sent because no address information was available. The MEW Steering Committee believes that it has discovered address information for 4 such parties, 2 in each category.

Following are the names and address of 2 parties to whom EPA has attempted to send a Section 104(e) notice but the address was "bad":

1. P & M Coal Company, Inc.

Pittsburgh & Midway Coal Eastern Division Office P.O. Box 339 Madisonville, KY 42431

(Local office:

P & M Coal P.O. Box 8 Amsterdam, MO 64723) Ms. Pauletta R. France-Isetts, P.E. February 15, 1990 Page 2

2. National Carbide

National Carbide Dye, a Division of Amstar Technical Products Company, Inc. 4 Juniper Street McKeesport, PA 15135

Following are the names and address of 2 parties about whom the MEW Steering Committee notified EPA in November, 1988, but to whom a Section 104(e) notice was never sent because no address information was available:

3. Dutch Electric

P.O. Box 1372 Reading, PA 19603 Telephone: (215) 779-4363

4. Portland Cement

Missouri Portland Cement Company 903 East River Road Louisville, KY 40206 Telephone: (502) 583-0616

or

Missouri Portland Cement 7711 Carondolet Avenue St. Louis, MO 63105

or

Portland Cement Company of Utah 619 T W 700 South Street Salt Lake City, UT 84110 Telephone: (801) 328-4891

The MEW Steering Committee requests that EPA send a Section 104(e) Information Request and Notice of Potential Responsibility to each of the above. Thank you.

Please call me if you have any questions.

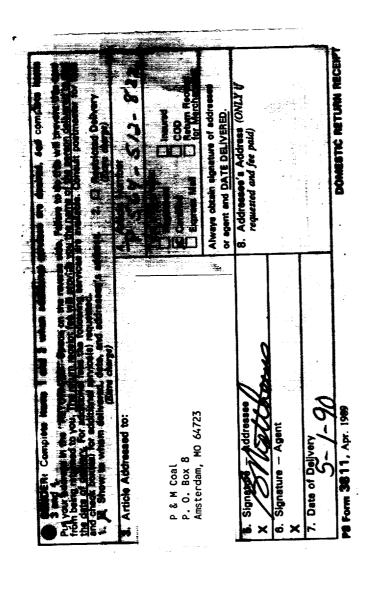
Very truly yours,

Alphonse McMahon

AM:md

cc: Sarah Sullivan, Esq.-EPA
Dwight W. Miller, Esq.-Legal Committee

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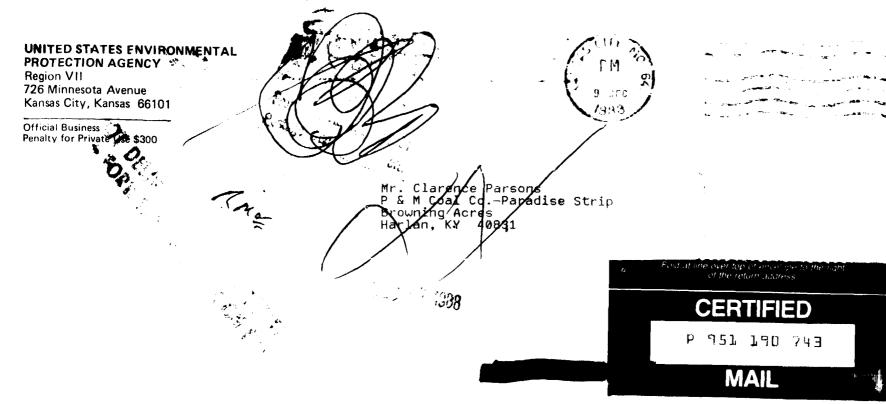


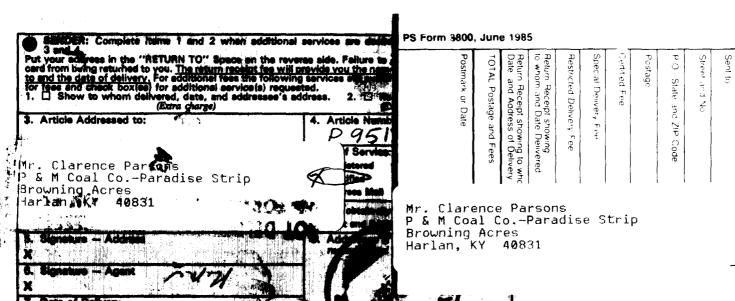
P 564 512 822

RECEIPT FOR CERTIFIED MAIL
NO INSURANCE COVERAGE PROVIDED
NOT FOR INTERNATIONAL MAIL (See Reverse)

P & M Coal P. O. Box 8 Amsterdam, MO 64723

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ŀ	Certified Fee	
	Special Delivery Fee	
	Restricted Delivery Fee	
	Return Receipt showing to whom and Date Delivered	
1985	Return Receipt showing to whom Date, and Address of Delivery	
June	TOTAL Postage and Fees	5
800	Postmark or Date1990	
Form 3800, June 1985	Postmark or Date 3 0 1990	





RECEIPT FOR CERTIFIED MAIL
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NOT FOR INTERNATIONAL MAIL

(See Reverse)

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MEW Site File Break11_52484

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VII 726 MINNESOTA AVENUE KANSAS CITY, KANSAS 66101

<u>CERTIFIED MAIL</u> RETURN RECEIPT REQUESTED

DEC 0 9 1988

Mr. Clarence Parsons
P & M Coal Co.-Paradise Strip
Browning Acres
Harlan, KY 40831

Re:

Missouri Electric Works Cape Girardeau, Missouri

Dear Mr. Parsons:

On November 12, 1987, the United States Environmental Protection Agency (EPA) sent you a letter notifying you that based on evidence available to EPA, EPA considered you a potentially responsible party (PRP) under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA or "Superfund") in regard to polychlorinated biphenyl (PCB) contamination found at the above referenced site. The letter also requested certain information from you regarding occurrences at the site including whether you shipped, transported or were otherwise involved in PCBs being sent to the site. You responded to this notice by sending information to EPA regarding the above referenced matters.

This letter is to notify you that EPA has reviewed the information you have submitted and that, based on that review and other information available to EPA, EPA continues to consider you a PRP at the M.E.W. site subject to EPA's enforcement authority under CERCLA.

EPA is presently negotiating a consent order with a group of PRPs to conduct an investigation of the M.E.W. site to determine the extent of the release at M.E.W. and what, if any, remedial action is appropriate. EPA is urging all PRPs to participate with this group on this effort. If the result of this investigation and study indicate remedial action is necessary, then EPA will be using its CERCLA authority to insure that the appropriate remedial action is performed. This will be accomplished by EPA by entering into an agreement with PRPs, by EPA issuing a unilateral order to PRPs or by EPA taking the appropriate response action itself and then recovering its costs from the PRPs.

I hope this satisfactorily explains EPA's position on this matter at this time. If you have questions, please call Pauletta France-Isetts of my staff at (913) 236-2856 or Anne Rowland of our legal staff at (913) 236-2809.

Sincerely yours,

David A Wagoner

Director, Waste Management Division

<u>CERTIFIED MAIL</u> RETURN RECEIPT REQUESTED

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P & M Coal Co.-Paradise Strip
Browning Acres
Harlan, KY 40831

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Sincerely yours,

David A Wagoner
Director, Waste Management Division

SCOM FRANCE-ISETTS CNSL ROWLAND SCOM SMITH

SPFD MORBY WSTM WAGONER

MISSOURI ELECTRIC WORKS (MEW) P AND M COAL COMPANY, INC.

APRIL 29, 1988 PAGE 1

PRP:

P and M Coal Company Inc.

Mr. Clarence Parsons Browning Acres

Harlan, Kentucky 40831 Phone number unknown.

Date mailed:

November 12, 1987

Date received:

Not delivered; no forwarding order.

Response received:

None.

Transformers:

Request for information letter was not delivered.

Summary:

Request for information letter was not delivered. No forwarding

order on file.

Adequacy of response:

The request for information letter was not delivered.

Additional questions:

None.

Recommendations:

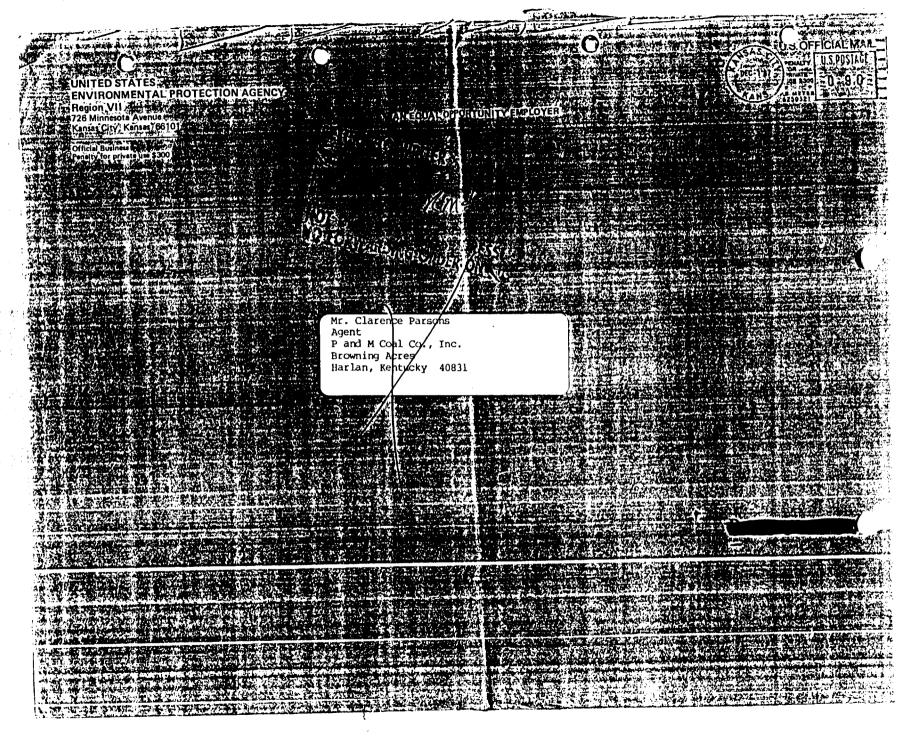
It is recommended that the EPA further investigate the existence

and/or legal status of this PRP based on the information in

MEW's files.

(P & M Coal Company could possibly be Pittsburg and Midway

Coal Company.)





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VII 726 MINNESOTA AVENUE KANSAS CITY, KANSAS 66101

NOV 3 0 1987

Mr. Clarence Parsons Agent P and M Coal Co., Inc. Browning Acres Harlan, Kentucky 40831

Dear Mr. Parsons:

Re: Missouri Electric Works Site Cape Girardeau, Missouri

It appears that the enclosures you received with the United States Environmental Protection Agency Information Request/Notice letters, dated November 12, 1987, may have been incomplete. A complete set of those enclosures are being transmitted with this letter. In addition, a copy of the information indicating that transformers were sent to Missouri Electric Works, Inc., by the entity you represent is being transmitted.

Please contact me if you have any questions.

Sincerely yours,

Pauletta R. France-Isetts, P.E. Superfund Compliance Section Waste Management Division

Enclosures

P&M Coal Co. - Paradise Strip - Drokestono, Ky

69764 3/29/17 70988

7/13/78

E 692340B 3519455

POTENTIALLY RESPONSIBLE PARTY (PRP)
MAILING ADDRESS LIST NO. 2

ACME Electric Company 3010 Aspen Drive Cape Girardeau, Missouri 63701

Thomas H. Froemsdorf - Registered Agent

Airco Alloys
SKW Concession, Inc.
Highway 95
Calvert City, Kentucky 42029

Jack L. Hester

American Charcoal Co. c/o Lowe's Southern Clay, Inc. Mill Road, P. O. Box 68 Olmsted, Illinois 62970

Gerry McKee - Agent

American Limestone Co. c/o Goldfield American Industries, Inc. 477 Congress Street Portland, Maine 04101

Merton G. Henry - Agent

Arien Company 655 West Ryan Brillion, Wisconsin 54110

Gary Rooney - Plant Manager

Atlas Plastics Corporation c/o Atlas-Alchem Plastics 1 Atlas Drive Cape Girardeau, Missouri 63701

D. J. Yoder - General Manager

Barkley Dam, Kentucky
c/o U.S. Army Corps of Engineers
Nashville District
P. O. Box 1070
Nashville, Tennessee 37202-1070

Col. Edward A. Starbird - Commanding Officer

Barry County Electric Coop 100 Main Street Cassville, Missouri 65625

Joseph Prebody - Registered Agent

Benson-Williamzig
c/o John Benson Electric Co.
1708 North 8th
St. Louis Missouri 63102

John H. Benson - Registered Agent

Black River Electric Coop Highway 72 East P. O. Box 31 Fredericktown, Missouri 63645

John Farris - Registered Agent

Blytheville Air Force Base 97 CSG CC Blytheville, Arkansas 72315

Col. Ray M. Baudreaux - Base Commander

Bob Tucker Diesel and Automotive Repair Highway 61 P. O. Box 135 Kelso, Missouri 63758

Robert Tucker - Owner

Bradford Electric 1015 Missouri Avenue East St. Louis, Illinois 62201

Raymond Prader

Brown and Root c/o C.T. Corporation System 314 North Broadway St. Louis, Missouri 63102

Registered Agent

Cairo Public Utilities 1100 Commercial Avenue Cairo, Illinois 62914

Karl Klein - General Manager

MEW Site Fil Break11_52492 Cardinal Electric Motor Repair 753 Forest Avenue Valley Park, Missouri 63088

> Jerry Mathis - Owner James Hertel - Owner

Carmi Light and Power 1025 East Main Carmi, Illinois 62821

Delores Smith - General Manager

Charles Stone Co.
Rural Route
Cypress, Illinois 62923

Monroe Robertson - General Mangaer

City Light and Power

P. O. Box 549 121 West Main Street Fredericktown, Missouri 63645

Robert Smith - Electric Utilities Manager

City Light and Power
310 North Main
Jacksonville, Illinois 62650

Keith Toby - Manager

City Light and Power
City Hall
P. O. Box 96
New Madrid, Missouri 63869

Donald Lloyd - City Administrator

City Light and Water Commission P. O. Box 9 Paragould, Arkansas 72450

Larry Watson - Office Manager

City Municipal Light and Power 109 North 2nd Owensville, Missouri 65066

Roy Bizzle - Superintendent

City of Cabool
City Hall
P. O. Box 537
Cabool, Missouri 65689

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Ronald Holland - City Administrator

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City of Cape Girardeau
City Hall
401 Independence
Cape Girardeau, Missouri 63701

Gary Eide - City Manager

City of Carmi City Hall 225 East Main Street Carmi, Illinois 62821

Lawrence Martin - Mayor

City of Casey City Hall 108 East Main Street Casey, Illinois 62420

Dana Devall - Mayor

City of Farmington
City Hall
110 West Columbia
Farmington, Missouri 63640

Roger Hoehn - City Administrator

City of Houston
City Hall
111 West Main Street
Houston, Missouri 65483

Gerald Elmore - City Administrator

,

City of Jackson 225 South High Street Jackson, Missouri 63755

Carl Talley - City Manager

MEW Site Fill Break11_52494 City of Mount Carmel
City Hall
219 Market Street
Mount Carmel, Illinois 62863

Mark Bader - Administrative Assistant

City of New Madrid P. O. Box 96 New Madrid, Missouri 63869

Donald Lloyd - City Administrator

City of Salem
City Hall
3rd and Washington Street
Salem, Missouri 65560

Ruth Mullnack - Mayor

City of Seymour
City Hall
P. O. Box 247
Seymour, Missouri 60746

Robert Clark - Mayor

City of Sikeston City Hall P. O. Box 848 Sikeston, Missouri 63801

Daniel Ward - City Manager

City of St. James City Hall P. O. Box 426 St. James, Missouri 65559

Nelson Hart - Mayor

City of West Plains
City Hall
P. O. Box 710
1910 Holiday Lane
West Plains, Missouri 65775

Charles Parent - City Administrator

Clinton County Electric Cooperative P. O. Box 40 Breeze, Illinois 62230

Robert Vander Pluym - General Manager

Consolidated Aluminum
c/o C. T. Corporation Systems
208 South LaSalle Street
Chicago, Illinois 60604

Agent

Darke Rural Electric Cooperative 1120 Fort Jefferson Road P. O. Box 278 Greenville, Ohio 45431

R. P. Simpson - General Manager

Delta-Y Electric Co. 220 North Lorimer P. O. Box 1238 Cape Girardeau, Missouri

John Layton - Registered Agent

East Perry Lumber Co. Frohna, Missouri 63748

M. F. Petzoldt - Registered Agent

Electric Supply Co.
Route 2, Box 410-K
Cape Girardeau, Missouri 63701

Florence B. Paar - Registered Agent

Elfrink Truck Lines P. O. Box 190 Advance, Missouri 63730-0190

Virgil Elfrink - Registered Agent

Essex Wire Corporation
P. 0. Box 1601
Fort Wayne, Indiana 46801

John Bruce - President

General Cable Corp.
c/o C.T. Corporation Systems
208 South LaSalle Street
Chicago, Illinois 60604

Agent

 (\overline{C})

General Sign Company 351 North Kingshighway Cape Girardeau, Missouri 63701

Lon Maxey - Registered Agent

H and H Manufacturing Co. 1220 West 13th Street Joplin, Missouri 64801

Peggy Hershburger - Agent

Hancock County REMC
P. 0. Box 188
East U.S. 40
Greenfield, Indiana 46140

Gene Roesch - General Manager

Hancock County REMC P. O. Box 149 Garner, Iowa 50438

Dwayne Cummings - General Manager

Ingram Barge Co. c/o C.T. Corporation Systems 314 North Broadway St. Louis, Missouri 63102

Agent

Ingram Barge Lines
1 Belle Mead
P. O. Box 23049
Nashville, Tennessee 37202

Neil Diehl - CEO

Inman Freight Systems
321 North Spring Avenue
Cape Girardeau, Missouri 63701

Kenneth W. Inman - Registered Agent

MEW Site Fil reak11_52497 International Hat Co. 2528 Texas Avenue St. Louis, Missouri 63104

Jean Goodson - Registered Agent

Illinois Gas and Electric
 c/o CIPS - Central Illinois Public Service Co.
 P. O. Box D
 Murphysboro, Illinois 62966

Ĺ

Doris Freitac - Superintendent

Jackson Transfer Co.
417 North High Street
P. O. Box 270
Jackson, Missouri 63755

Kenneth Waldron - Agent

Jasper Electric Motors
Rural Route 1
P. O. Box 210B
Jasper, Indiana 47546

Jeffery Bawel - General Manager

Jay's Electric 3012 Kage Road Cape Girardeau, Missouri 63701

Jay Slinkarz - Owner

Johnson County Housing Authority
P. O. Box 188
Vienna, Illinois 62995

Carol Watkins - Executive Director

Kagmo Electric Motor Co. 2355 Rust Avenue Cape Girardeau, Missouri 63701

Thomas Froomsdorf - Agent

KBOA Radio P. O. Box 509 Kennett, Missouri 63857

Jeff Wheeler - General Manager

KESCO Corp.

 G_{i}

1006 Grand Kansas City, Missouri 64106

Donald Chapman - Agent

KFVS TV

310 Broadway Cape Girardeau, Missouri 63701

Joe Goleniowski - General Manager

KZIM Radio

P. O. Box 1610 Cape Girardeau, Missouri 63701

Jerry Zimmer - General Manager

Liberty Motors, Inc. 8641 National Niles, Illinois 60648

Richard D. Crossman

Marion Electric Motor Service Co., Inc. Rural Route 3 Box 201A Marion, Illinois 62959

Carolyn Ann Carver - Agent

Marion Machine Works
525 South Moore Street
P. O. Box 170
Marion, Kentucky 42064

George E. Winn - Agent

Marquette Cement Co.

c/o C.T. Corporation Systems 314 North Broadway St. Louis, Missouri 63102

Agent

Mayfield Electric and Water System P. O. Box 347
Mayfield, Kentucky 42066

James Gooch - General Manager

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MEW Site File Break11_52499 Mississippi Lime Co.
P. O. Drawer 31
St. Genevieve, Missouri 63670

Charles White - Manager

Missouri Dry Dock 500 Aquamsi Cape Girardeau, Missouri 63701

Robert Erlbacker - Agent

Municipal Light and Power
P. O. Box 96
New Madrid, Missouri 63869

Don Lloyd - City Administrator

Municipal Light and Power
City Hall
3rd and Washington Street
Salem, Missouri 65560

Ray Lundsberg - General Superintendent

Mount Carmel Public Utilities
P. O. Box 220
Mount Carmel, Illinois 62863

Bob Horrall - Superintendent

Mount Vernon Electric Motor Service, Inc. 1114 West 4th Street P. O. Box 532 Mount Vernon, Indiana 47620

Jack Defur, Sr. - Agent

Mount Vernon Water and Light
City Hall
P. O. Box 70
Mount Vernon, Missouri 65712

Jack Swearingen - General Superintendent

Mountain Pass Canning Co. c/o C.T. Corporation System 1601 Elm Street Dallas, Texas 75201

Agent

Municipal Utilities
P. O. Box 370
Sikeston, Missouri 63801

Dick Inman - Superintendent

National Carbide Co. 1939 Goldsmith Lane Suite 152 Louisville, Kentucky 40218

Noble L. Rye - Agent

National Lead Co. c/o C.T. Corporation Systems 314 North Broadway St. Louis, Missouri 63102

Agent

New Mac Electric Cooperative Highway 86, Route 2 P. O. Box 310 Neosho, Missouri 64850

William Shabot - Agent

P and M Coal Co., Inc. Browning Acres Harlan, Kentucky 40831

Clarence Parsons - Agent

Peabody Coal Co. c/o C.T. Corporation Systems 208 South LaSalle Street Chicago, Illinois 60604

Agent

Quality Electric Motor Service, Inc. P. O. Box 22557 Louisville, Kentucky 40222

Edwin Oechslin - Agent

Quality Electric Service, Inc. P. 0. Box 3028 532 Milliken Paducah, Kentucky 42001

Virgil Boyles - Agent

MEW Site File Preak11_52501 Ralston Purina Co. 5500 Main Street Williamsville, New York 14221

William Gatto - Regional Manager

Richards Electric Motor Co. 426 State Street Quincy, Illinois 62301

Carl W. Richards

Richardson Tire Service Co., Inc. I-55 and Airport Ext. E Mash Road Cape Girardeau, Missouri 63701

Daniel Richardson Jr. - Agent

Roesch Enamel and Manufacturing Co. c/o Roesch, Inc. 100 North 24th Street Belleville, Illinois 62222

Robert Boges - Agent

Rural Electric Cooperative P. O. Box 9 Auburn, Illinois 62615

Roy Goods - General Manager

Sac Osage Electric Cooperative
P. O. Box 111
Eldorado Springs, Missouri 64744

Harold Meyers - General Manager

Sachs Electric 16300 Justice Post Road Chesterfield, Missouri 63017

Arthur Sullivan - Agent

Seymour City Utilities
City Hall
P. O. Box 247
Seymour, Missouri 60746

Delores Manning - Utilities Clerk

Shawnee Woodchips Co. c/o C.T. Corporation Systems 208 South LaSalle Street Chicago, Illinois 60604

Agent

Skoog and Stuart Coal Co., Inc. 1030 Newman Drive Bowling Green, Kentucky 42101

Gunmar M. Skoog - Agent

Southern Illinois Electric Cooperative P. O. Box 100 Dongola, Illinois 62926

Timothy Reeves - General Manager

Southern Oil Co.
1005 Farmers Bank Building
5th Avenue and Wood Street
Pittsburgh, Pennsylvania 15222

Robert Ball - President

Southeast Missouri State College (University) Cape Girardeau, Missouri 63701

Bill W. Stacy - President

St. James Municipal Utilities
City Hall
P. O. Box 426
St. James, Missouri 65559

Kenneth Young - Superintendent of Utilities

State Hospital
c/o Southeast Missouri Mental Health Center
1010 West Columbia
Farmington, Missouri 63640

Frea McDaniels - Superintendent

Swanson-Nunn Electric Co., Inc. 420 Southeast 8th Street Evansville, Indiana 47708

Jack Buttrum - Agent

Texas Eastern Transmission Corp. P. O. Box 2521 Houston, Texas 77252

Dennis Hendricks - President

Utility Construction 185 Wisconsin Avenue East DeBuque, Illinois 61025

Sid Hardenshield - Agent

Wayne White Cooperative
P. O. Drawer E
Fairfield, Illinois 62837

Bill Endicott - Manager

Whitfield Electric 640 East Center Madisonville, Kentucky 42431

Louis Clayton - General Manager

Williamson County Coal Co. P. O. Box 458 Cambria Road Cambria, Illinois 62915

Bill Pace - General Manager

POTENTIALLY RESPONSIBLE PARTY (PRP) MAILING ADDRESS LIST

The BOC Group, Inc.
85 Chestnut Ridge Road
Montvale, New Jersey 07645
201/573-0800

Richard V. Giardano - President, CEO

Barton County Electric Cooperative P. O. Box 398 Lamar, Missouri 64759 417/682-5636

James Fanning - General Manager

Benson Electric Company
P. O. Box 23958
St. Louis, Missouri 63119
314/644-2844

Floyd Krickhahn - President

Bodine Electric Co. 2500 West Bradley Place Chicago, Illinois 60618 312/478-3515

Paul J. Bodine - President, COO

Citizen's Electric Corp. 150 Merchant Street St. Genevieve, Missouri 63670 314/883-3511

R. G. Smith - Manager

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Wayne Johnson - Owner

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Daviess-Martin County, REMC P. O. Box 540 Washington, Indiana 47501 812/254-1870

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Phillip Thompson - President

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812/426-2224

John G. Mathias - President

Farmers Electric Cooperative P. 0. Box 310 Chillicothe, Missouri 64601 816/646-4281

Daniel Bryan - General Manager

Flanders Electric Motor Services of Illinois, Inc. 1000 North Court Street Marion, Illinois 62959 618/993-2681

Ray Patterson - President

Fluor Corp.
3333 Michaelson Drive
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714/975-2000

J.A. Wright - President, COO

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Rochester, Indiana 46975
219/223-3156

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Harold Chase - Registered Agent and President

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P. O. Box 149
Garner, Iowa 50438
515/923-2654

Dwyane Cummings - Manager

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Thomas Lindsey - General Manager

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Robert Smith - General Manager

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Kaiser Aluminum and Chemical Co. One Kaiser Plaza Oakland, California 84612 415/271-3300

A.S. Hutchcraft - President, COO

Koppers Co., Inc.
Koppers Building
Pittsburgh, Pennsylvania 15219
412/227-2000

Krull Electric Company 18407 West Casey Road Grayslake, Illinois 60030 312/362-7449

Pamela Lee - Agent

MJM Electric Cooperative
P. 0. Box 219
Carlinville, Illinois 62626
217/854-3137

Dennis Keiser - General Manager

Menard Electric Cooperative P. O. Box 279 Petersburg, Illinois 62675 217/632-7746

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Charles Spencer - Manager

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Raymond E. Rudloff - President, COO

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Martinsville, Indiana 46151
317/342-3344

Richard Seger - Manager

National Electric Service Co. Inc. 321 Lombard Street St. Louis, Missouri 63102 314/241-4600

Raymon A. Guehne - President

New Madrid Electric Service 605 Main New Madrid, Missouri 63869 314/748-2598

Robert Johnson - Owner/Manager

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P. O. Box 420
Mount Vernon, Missouri 65712
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Jerry Mayberry - General Manager

Pemiscot Dunklin Electrical Cooperative P. O. Box 657 Hayti, Missouri 63851 314/757-6641

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Wayne Honeycutt - General Manager

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Angola, Indiana 46703
219/665-3563

Roger Burlindame - Manager

Tipment REMC
P. 0. Box 20
Linden, Indiana 47955
317/339-7211

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Union Electric Co. 1901 Gratiot Street St. Louis, Missouri 63166 314/621-3222

W.E. Cornelius - President, CEO

United Rural Electric Cooperative, Inc. 555 West Franklin Street Kenton, Ohio 43326 419/673-7289

Robert Holmes - Manager

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Upper Cumberland Electric Membership P. O. Box 159 Carthage, Tennessee 37030 615/735-2940

Horance D. Webb - General Manager

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Weakley County Municipal Electric System P. O. Box 170 Martin, Tennessee 38237 901/587-9521

Gerald Brooks - General Manager

White County, REMC P. O. Box 599 Monticello, Indiana 47960 219/583-7161

Robert E. Dever Jr. - Gen. Mgr.

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
Region VII
726 Minnesota Avenue
Kansas City, Kansas 66101

Official Business Penalty for private use \$300 MEW Site File Break11_52512



AN EQUAL OPPORTUNITY EMPLOYER

(m)

Mr. Clarence Parsons
Agent
P and M Coal Co., Inc.
Browning Acres
Harlan, Kentucky 40831



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

NOV 12 1987

REGION VII 726 MINNESOTA AVENUE KANSAS CITY, KANSAS 66101

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Clarence Parsons, Agent P and M Coal Co., Inc. Browning Acres Harlan, Kentucky 40831

> Missouri Electric Works, Inc. Cape Girardeau, Missouri

Dear Mr. Parsons:

The United States Environmental Protection Agency (EPA) has records obtained from the Missouri Electric Works, Inc., files indicating that oil filled electrical equipment containing polychlorinated biphenyls (PCBs) has been handled onsite during operations at their current location at 824 South Kingshighway, Cape Girardeau, Missouri. Missouri Electric Works, Inc., was originally founded in 1946 and has been located in its present location since 1953.

The property is located approximately 1/2 mile north of the intersection of State Route 74 and U.S. Route 61 in southern Cape Girardeau. The site itself lies within Section 12, T30N, R13E, in Cape Girardeau County, Missouri.

Information available to EPA through a Toxic Substance Control Act (TSCA) Incident Report, filed October 31, 1984, indicated that oil filled drums onsite were leaking. Furthermore, investigations carried out by EPA and the Missouri Department of Natural Resources (MDNR) have shown that onsite soils are contaminated with concentrations of PCBs (Arochlor 1260) of up to 58,000 parts per million (ppm). These leaking drums may have resulted in a release of hazardous materials to the environment, and the resulting contaminated soils present a substantial threat of further release into the environment which may present an imminent and substantial endangerment to the public health, welfare, or the environment.

In accordance with Section 104(e)(1) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA) as amended by Section 122(e)(3)(B) of the Superfund Amendments and Reauthorization Act (SARA) of 1986 and pursuant to Section 11 of the Toxic Substances Control Act of 1976 (TSCA), this letter informs you of your potential liability as a Potentially Responsible Party (PRP), requests certain information from you, and provides for the transmittal of the names of other PRPs. The three primary components of this notification are:

- I. A notification of potential liability;
- II. A request for information; and
- III. The release of certain site specific information (to be released during mailings of Notice Letters or in response to Freedom of Information Act (FOIA) requests).

Individual components are presented in detail below.

I. NOTIFICATION OF POTENTIAL LIABILITY

Based upon information that the EPA possesses, P and M Coal Co., Inc. sent oil filled electrical equipment, including transformers, to Missouri Electric Works, Inc., for repair and/or resale.

Under Section 107(a) of CERCLA, Potentially Responsible Parties (PRPs) include current and past owners and operators, as well as persons who arranged for the transportation, treatment, or disposal of hazardous substances. The EPA, therefore, believes that P and M Coal Co., Inc. is a PRP.

Sections 106(e) and 107(a) of CERCLA and other laws, stipulate that responsible parties may be obligated to implement any response action as deemed necessary by EPA and may also be liable for all costs incurred by the government in responding to any release or threatened release at the site. Such costs can include, but are not limited to, expenditures for investigation, project planning, cleanup of the site, and enforcement.

By this letter, EPA notifies P and M Coal Co., Inc. of its potential liability with regard to this matter, and encourages P and M Coal Co., Inc. to consider undertaking remedial investigations and feasibility study activities and subsequent remedial design/remedial action which will be overseen by EPA.

Enclosed is a preliminary list of other PRPs as determined from currently available information. An initial group of 41 PRPs, including the facility owner, received this notification in June 1987. Approximately 30 of those notified were represented at an initial meeting of the PRPs in St. Louis, Missouri on August 10, 1987. During this meeting, an Interim Steering Committee was appointed. On September 18, 1987 the Interim Steering Committee met with EPA in the Regional office in Kansas City, Kansas. It is suggested that all PRPs work in conjunction and form a manageable committee which is responsible for representing the group's interest, developing proposals, conducting remedial activities at the site, and facilitating negotiations with EPA. The enclosed list contains the names of the originally notified PRPs, as well as those receiving this notification.

II. REQUEST FOR INFORMATION

With respect to hazardous substances handled at the Missouri Electric Works, Inc. Site, you are requested to provide the following information pursuant to the authority cited above.

- 2. With respect to all transformers shipped to the site:
 - a) The manufacturer and serial number of the respective transformers.
 - b) The quantity of oil in each respective transformer.
 - c) The concentration of PCB contained in the transformer oil.
 - d) The purpose of the shipment (i.e. repair or resale).
 - e) The time period or periods in which these transformers were sent to Missouri Electric Works, Inc.
 - f) A list of transporters for each transformer, including company name, address, and telephone number.
 - g) Information on prior owners of the respective transformers, including names, addresses, telephone numbers, and dates of ownership.
- 3. Information (as described in #2 above) on any other oil filled electrical equipment sent to the site for disposal or treatment.
- 4. Copies of any contracts, invoices, receipts, or other documents related to the transport of transformers or other oil filled electrical equipment to Missouri Electric Works, Inc.
- 5. Site-specific information or data related to soils, geology, ground water, or hydrology at the facility or for the surrounding area.
- 6. Identification of any plans by P and M Coal Co., Inc. to perform site characterization activities or contaminant migration assessments in the near future.
- 7. Information on prior or current owners of the 824 South Kingshighway property, including names, addresses, dates of ownership, and deeds.
- 8. Any knowledge of the practices of the owner or operator of the 824 South Kingshighway site in regard to the destruction or disposal of any material or substance containing any concentration of PCBs.
- 9. Any knowledge of releases of hazardous wastes or hazardous constituents (see 40 CFR Part 261, Appendix VIII) into the environment (air, surface water, ground water, or soil) from the

- a) Location of release;
- b) Waste or constituents released;
- c) Quantities of release;
- d) Date(s) of release;
- e) Cause of release;
- f) Response action taken;
- g) Environmental impact of release and response; and
- h) Measures taken to prevent the reoccurrence of release.
- A description of all legal action taken to date by the State, local government, or other regulatory authority regarding the site.
- 11. Should you be unable to obtain or provide the above information, please indicate the names and addresses of those individuals and/or corporations who would possess such information.

This request extends to all information contained in written documents in the possession of P and M Coal Co., Inc., its officials, employees, consultants, or agents thereof, as well as any other information, whether written or otherwise, within the knowledge of P and M Coal Co., Inc. including its officials, employees, consultants, or agents. For your convenience, you may provide copies of these written documents if you also provide in written form any and all additional information based upon your knowledge, but not now committed to writing.

The EPA release of information (discussed below) is not conditioned upon a PRP's willingness to release information to EPA. However, if this request for information is not complied with voluntarily, the EPA intends to vigorously enforce fulfillment of information requests with the enforcement authorized under SARA. These tools include issuing an Administrative Order or asking the United States Attorney General to commence a civil action to compel compliance under 104(e) and issuing subpoenas under 122(e)(3)(B). Under 104(e) the Court may assess a penalty of \$25,000 for each day of noncompliance against anyone who unreasonably fails to comply with an information request.

You are requested to submit this information within 30 days of receipt of this letter. A claim of confidentiality can be made covering all or part of the information submitted. It is your responsibility to inform EPA whether information provided is confidential and subject to protection under 104(e) of SARA.

The EPA regulations governing confidentiality of business information are set forth in Part 2, Subpart B of Title 40 of the Code of Federal Regulations. For any portion of the information submitted which is entitled to confidential treatment, you may assert a confidentiality claim in accordance with 40 CFR 2.203(b). If EPA determines that the information so designated meets the criteria set forth in 40 CFR 2.208, the information will be disclosed only to the extent, and by means of the procedures, specified in 40 CFR Part 2, Subpart B. EPA will construe the failure to furnish a confidentiality claim with your response to this letter as a waiver of that claim, and information may be made available to the public by EPA without further notice.

III. RELEASE OF INFORMATION

The EPA offers the following information and planned activities for the site:

A. List of PRPs

As previously mentioned, a preliminary list of PRPs is attached. EPA will provide names of additional PRPs and other pertinent information as it becomes available, either through formal request pursuant to the Freedom of Information Act (FOIA) or by subsequent correspondence in the special notice letter sent to PRPs prior to conducting the Remedial Investigation/Feasibility Study (RI/FS).

B. Scheduling of Proposed Activities

The Missouri Electric Works, Inc. Site has not yet been proposed for inclusion on the National Priorities List (NPL) at this time. The EPA has recently completed an Expanded Site Investigation (ESI) at the site which included further investigations to identify the local hydrogeological characteristics and define the nature and extent of soil, air, surface water, and ground water contamination at the site. Analytical results from this investigation have been provided to the Interim Steering Committee.

In addition to the above investigation, P and M Coal Co., Inc. may be asked at a later date to undertake, or may be liable for, any additional corrective measures necessary to protect public health, welfare, or the environment. Such measures may include, but are not limited to:

- o Implementing initial remedial measures (e.g., securing the site to prevent contact with any hazardous substances that may be present at the site and/or removal of contaminated material from the surface of the site).
- Designing and implementing the EPA approved remedial option.

Prior to initiating remediation activities at the site, EPA will issue notification letters to the PRPs as follows:

- o First special notice letter submitted in advance of conducting the RI/FS. A general scope of work will be included.
- o Second special notice letter submitted in advance of conducting Remedial Design/Remedial Action. The "preferred alternative" for the site remediation will be identified.

By this letter, EPA is seeking to ascertain whether or not P and M Coal Co., Inc. is willing and able to undertake investigations and studies in accordance with EPA guidance for these activities. This letter does not constitute a special notice pursuant to Section 122(e) of CERCLA.

The Superfund Amendments and Reauthorization Act of 1986, which was signed into law on October 17, 1986, provides that an owner, operator, or other responsible party may be allowed to perform an RI/FS in certain circumstances.

Section 104(a) provides that the RI/FS must be done properly and promptly. The party must be qualified to conduct the RI/FS. Any plans to remediate the site must have EPA approval prior to initiating any work. The party must agree to reimburse EPA for any costs incurred in connection with EPA overseeing and reviewing the conduct of the RI/FS, including EPA contractor costs. Section 122(d)(3) provides that an agreement with a potentially responsible party to perform an RI/FS will be put into a court-enforceable consent degree or administrative order which sets out the responsibilities of the party.

C. EPA Contact Person

The information requested should be submitted to:

Ms. Pauletta France-Isetts U.S. Environmental Protection Agency Region VII, Superfund Branch 726 Minnesota Avenue Kansas City, Kansas 66101 (913) 236-2856

Ms. France-Isetts is EPA's Regional Project Manager designated to be responsible for receiving data from the PRPs and providing additional information, as requested.

The factual and legal discussions contained in this letter are intended solely for notification and information purposes. They are not intended to be, and cannot be, relied upon as a final Agency position on any matter set forth herein.

Sincerely yours,

Morris Kay

Regional Administrator

Enclosures

POTENTIALLY RESPONSIBLE PARTY (PRP)
MAILING ADDRESS LIST

The BOC Group, Inc. 85 Chestnut Ridge Road Montvale, New Jersey 07645 201/573-0800

Richard V. Giardano - President, CEO

Barton County Electric Cooperative P. O. Box 398 Lamar, Missouri 64759 417/682-5636

James Fanning - General Manager

Benson Electric Company
P. O. Box 23958
St. Louis, Missouri 63119
314/644-2844

Floyd Krickhahn - President

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150 Merchant Street
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Harold Chase - Registered Agent and President

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MEW Site Fil

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MAILING ADDRESS LIST

Wayne County, REMC
P. 0. Box 638
Richmond, Indiana 47375
317/962-7521

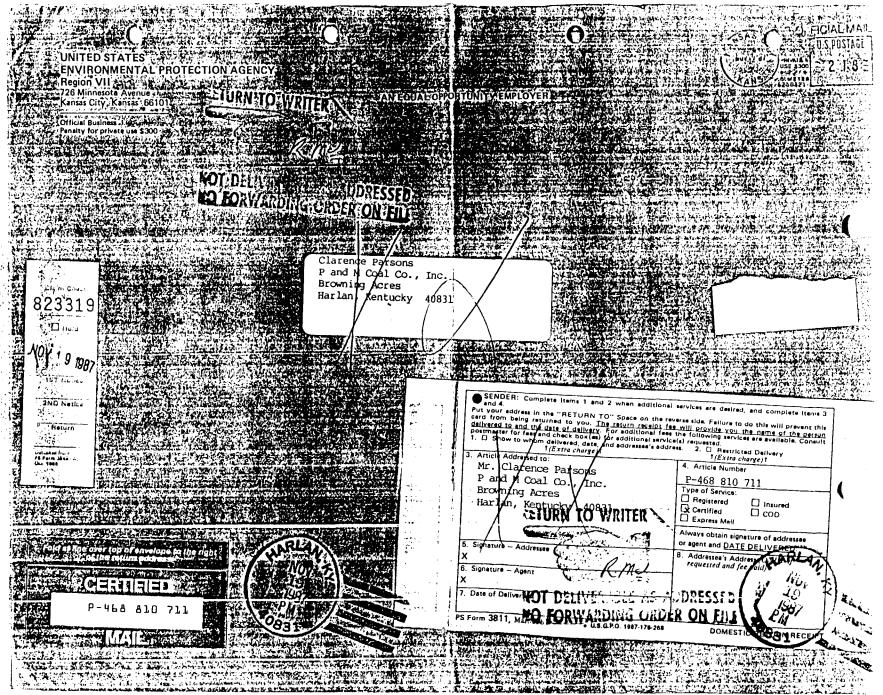
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Gerald Brooks - General Manager

White County, REMC P. 0. Box 599 Monticello, Indiana 47960 219/583-7161

Robert E. Dever Jr. - Gen. Mgr.



NOV 12 1987

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Clarence Parsons, Agent P and M Coal Co., Inc. Browning Acres Harlan, Kentucky 40831

> Missouri Electric Works, Inc. Cape Girardeau, Missouri

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The property is located approximately 1/2 mile north of the intersection of State Route 74 and U.S. Route 61 in southern Cape Girardeau. The site itself lies within Section 12, T30N, R13E, in Cape Girardeau County, Missouri.

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- II. A request for information; and
- III. The release of certain site specific information (to be released during mailings of Notice Letters or in response to Freedom of Information Act (FOIA) requests).

Individual components are presented in detail below.

I. NOTIFICATION OF POTENTIAL LIABILITY

Based upon information that the EPA possesses, P and M Coal Co., Inc. sent oil filled electrical equipment, including transformers, to Missouri Electric Works, Inc., for repair and/or resale.

Under Section 107(a) of CERCLA, Potentially Responsible Parties (PRPs) include current and past owners and operators, as well as persons who arranged for the transportation, treatment, or disposal of hazardous substances. The EPA, therefore, believes that P and M Coal Co., Inc. is a PRP.

Sections 106(e) and 107(a) of CERCLA and other laws, stipulate that responsible parties may be obligated to implement any response action as deemed necessary by EPA and may also be liable for all costs incurred by the government in responding to any release or threatened release at the site. Such costs can include, but are not limited to, expenditures for investigation, project planning, cleanup of the site, and enforcement.

By this letter, EPA notifies P and M Coal Co., Inc. of its potential liability with regard to this matter, and encourages P and M Coal Co., Inc. to consider undertaking remedial investigations and feasibility study activities and subsequent remedial design/remedial action which will be overseen by EPA.

Enclosed is a preliminary list of other PRPs as determined from currently available information. An initial group of 41 PRPs, including the facility owner, received this notification in June 1987. Approximately 30 of those notified were represented at an initial meeting of the PRPs in St. Louis, Missouri on August 10, 1987. During this meeting, an Interim Steering Committee was appointed. On September 18, 1987 the Interim Steering Committee met with EPA in the Regional office in Kansas City, Kansas. It is suggested that all PRPs work in conjunction and form a manageable committee which is responsible for representing the group's interest, developing proposals, conducting remedial activities at the site, and facilitating negotiations with EPA. The enclosed list contains the names of the originally notified PRPs, as well as those receiving this notification.

II. REQUEST FOR INFORMATION

With respect to hazardous substances handled at the Missouri Electric Works, Inc. Site, you are requested to provide the following information pursuant to the authority cited above.

- 1. The official or representative of your firm to contact regarding this official request, including name, title, address, and telephone number.
- 2. With respect to all transformers shipped to the site:
 - a) The manufacturer and serial number of the respective transformers.
 - b) The quantity of oil in each respective transformer.
 - c) The concentration of PCB contained in the transformer oil.
 - d) The purpose of the shipment (i.e. repair or resale).
 - e) The time period or periods in which these transformers were sent to Missouri Electric Works, Inc.
 - f) A list of transporters for each transformer, including company name, address, and telephone number.
 - g) Information on prior owners of the respective transformers, including names, addresses, telephone numbers, and dates of ownership.
- 3. Information (as described in #2 above) on any other oil filled electrical equipment sent to the site for disposal or treatment.
- 4. Copies of any contracts, invoices, receipts, or other documents related to the transport of transformers or other oil filled electrical equipment to Missouri Electric Works, Inc.
- 5. Site-specific information or data related to soils, geology, ground water, or hydrology at the facility or for the surrounding area.
- 6. Identification of any plans by P and M Coal Co., Inc. to perform site characterization activities or contaminant migration assessments in the near future.
- 7. Information on prior or current owners of the 824 South Kingshighway property, including names, addresses, dates of ownership, and deeds.
- 8. Any knowledge of the practices of the owner or operator of the 824 South Kingshighway site in regard to the destruction or disposal of any material or substance containing any concentration of PCBs.
- 9. Any knowledge of releases of hazardous wastes or hazardous constituents (see 40 CFR Part 261, Appendix VIII) into the environment (air, surface water, ground water, or soil) from the

site at any time in the past or the present. Provide a complete description of each release including, but not necessarily limited to, the following:

- a) Location of release;
- b) Waste or constituents released;
- c) Quantities of release;
- d) Date(s) of release;
- e) Cause of release;
- f) Response action taken;
- g) Environmental impact of release and response; and
- h) Measures taken to prevent the reoccurrence of release.
- 10. A description of all legal action taken to date by the State, local government, or other regulatory authority regarding the site.
- 11. Should you be unable to obtain or provide the above information, please indicate the names and addresses of those individuals and/or corporations who would possess such information.

This request extends to all information contained in written documents in the possession of P and M Coal Co., Inc., its officials, employees, consultants, or agents thereof, as well as any other information, whether written or otherwise, within the knowledge of P and M Coal Co., Inc. including its officials, employees, consultants, or agents. For your convenience, you may provide copies of these written documents if you also provide in written form any and all additional information based upon your knowledge, but not now committed to writing.

The EPA release of information (discussed below) is not conditioned upon a PRP's willingness to release information to EPA. However, if this request for information is not complied with voluntarily, the EPA intends to vigorously enforce fulfillment of information requests with the enforcement authorized under SARA. These tools include issuing an Administrative Order or asking the United States Attorney General to commence a civil action to compel compliance under 104(e) and issuing subpoenas under 122(e)(3)(B). Under 104(e) the Court may assess a penalty of \$25,000 for each day of noncompliance against anyone who unreasonably fails to comply with an information request.

You are requested to submit this information within 30 days of receipt of this letter. A claim of confidentiality can be made covering all or part of the information submitted. It is your responsibility to inform EPA whether information provided is confidential and subject to protection under 104(e) of SARA.

The EPA regulations governing confidentiality of business information are set forth in Part 2, Subpart B of Title 40 of the Code of Federal Regulations. For any portion of the information submitted which is entitled to confidential treatment, you may assert a confidentiality claim in accordance with 40 CFR 2.203(b). If EPA determines that the information so designated meets the criteria set forth in 40 CFR 2.208, the information will be disclosed only to the extent, and by means of the procedures, specified in 40 CFR Part 2, Subpart B. EPA will construe the failure to furnish a confidentiality claim with your response to this letter as a waiver of that claim, and information may be made available to the public by EPA without further notice.

III. RELEASE OF INFORMATION

The EPA offers the following information and planned activities for the site:

A. List of PRPs

As previously mentioned, a preliminary list of PRPs is attached. EPA will provide names of additional PRPs and other pertinent information as it becomes available, either through formal request pursuant to the Freedom of Information Act (FOIA) or by subsequent correspondence in the special notice letter sent to PRPs prior to conducting the Remedial Investigation/Feasibility Study (RI/FS).

B. Scheduling of Proposed Activities

The Missouri Electric Works, Inc. Site has not yet been proposed for inclusion on the National Priorities List (NPL) at this time. The EPA has recently completed an Expanded Site Investigation (ESI) at the site which included further investigations to identify the local hydrogeological characteristics and define the nature and extent of soil, air, surface water, and ground water contamination at the site. Analytical results from this investigation have been provided to the Interim Steering Committee.

In addition to the above investigation, P and M Coal Co., Inc. may be asked at a later date to undertake, or may be liable for, any additional corrective measures necessary to protect public health, welfare, or the environment. Such measures may include, but are not limited to:

- o Implementing initial remedial measures (e.g., securing the site to prevent contact with any hazardous substances that may be present at the site and/or removal of contaminated material from the surface of the site).
- o Designing and implementing the EPA approved remedial option.

Prior to initiating remediation activities at the site, EPA will issue notification letters to the PRPs as follows:

- o First special notice letter submitted in advance of conducting the RI/FS. A general scope of work will be included.
- o Second special notice letter submitted in advance of conducting Remedial Design/Remedial Action. The "preferred alternative" for the site remediation will be identified.

By this letter, EPA is seeking to ascertain whether or not P and M Coal Co., Inc. is willing and able to undertake investigations and studies in accordance with EPA guidance for these activities. This letter does not constitute a special notice pursuant to Section 122(e) of CERCLA.

The Superfund Amendments and Reauthorization Act of 1986, which was signed into law on October 17, 1986, provides that an owner, operator, or other responsible party may be allowed to perform an RI/FS in certain circumstances.

Section 104(a) provides that the RI/FS must be done properly and promptly. The party must be qualified to conduct the RI/FS. Any plans to remediate the site must have EPA approval prior to initiating any work. The party must agree to reimburse EPA for any costs incurred in connection with EPA overseeing and reviewing the conduct of the RI/FS, including EPA contractor costs. Section 122(d)(3) provides that an agreement with a potentially responsible party to perform an RI/FS will be put into a court-enforceable consent degree or administrative order which sets out the responsibilities of the party.

C. EPA Contact Person

The information requested should be submitted to:

Ms. Pauletta France-Isetts
U.S. Environmental Protection Agency
Region VII, Superfund Branch
726 Minnesota Avenue
Kansas City, Kansas 66106
(913) 236-2856

Ms. France-Isetts is EPA's Regional Project Manager designated to be responsible for receiving data from the PRPs and providing additional information, as requested.

The factual and legal discussions contained in this letter are intended solely for notification and information purposes. They are not intended to be, and cannot be, relied upon as a final Agency position on any matter set forth herein.

The EPA would like to encourage good faith negotiations between P and M Coal Co., Inc. and the Agency, as well as with other parties potentially responsible for the site. The information requested in this letter should be submitted within 30 calendar days of receipt of this correspondence. Failure of P and M Coal Co., Inc. to provide the information requested may result in action on the part of EPA pursuant to Sections 104(e) and 122(e) of SARA. We hope that you will give these matters your immediate attention.

Sincerely yours,

Morris Kay Regional Administrator

Enclosures

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